

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		GRANT NUMBER (FAIN): 99267202 MODIFICATION NUMBER: 6 PROGRAM CODE: BG	DATE OF AWARD 01/06/2009	
			TYPE OF ACTION Revision: Scope & Increase		MAILING DATE 01/13/2009
			PAYMENT METHOD: Advance		ACH# 20043
			RECIPIENT TYPE: Indian Tribe		Send Payment Request to: Las Vegas Finance Center
RECIPIENT: Saint Regis Mohawk Tribe 412 State Road Route 37 Akwesasne, NY 13655 EIN: 16-1007650			PAYEE: Saint Regis Mohawk Tribe 412 State Road Route 37 Akwesasne, NY 13655		
PROJECT MANAGER Ken Kock 412 State Road Route 37 Akwesasne, NY 13655 E-Mail: Phone: 518-358-2272		EPA PROJECT OFFICER Christine Yost 290 Broadway, DEPP/DO New York, NY 10007-1866 E-Mail: Yost.Christine@epamail.epa.gov Phone: 212-637-3564		EPA GRANT SPECIALIST Cynthia Pabon Grants and Contracts Mngt. Branch, OPM/GCMB E-Mail: pabon.cynthia@epa.gov Phone: 212-637-3405	
PROJECT TITLE AND EXPLANATION OF CHANGES St. Regis 06-10 PPG This amendment increases the federal funds obligated under this agreement by \$501,090 from \$2,126,976 to \$2,628,086. When additional funds become available, the agreement will be increased. The Administrative and Programmatic Conditions Section of the agreement includes new and revised conditions.					
BUDGET PERIOD 01/01/2006 - 12/31/2010		PROJECT PERIOD 01/01/2006 - 12/31/2010		TOTAL BUDGET PERIOD COST \$5,176,217.00	
				TOTAL PROJECT PERIOD COST \$5,176,217.00	
NOTICE OF AWARD					
Based on your Application dated 06/09/2005 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$501,090. EPA agrees to cost-share <u>9.68%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$2,628,066. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			ORGANIZATION / ADDRESS U.S. EPA, Region 2 Division of Environmental Planning and Protection 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
Digital signature applied by EPA Award Official Donna J. Vizian - Assistant Regional Administrator for Policy and Management				DATE 01/06/2009	

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 2,126,976	\$ 501,090	\$ 2,628,066
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 309,502	\$	\$ 309,502
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 2,436,478	\$ 501,090	\$ 2,937,568

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.605 - Performance Partnership Grants	Appropriations Act of 1996 (PL 104-134)	40 CFR PTS 31 & 35 SUBPT B

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	0902HE0072	09	E1C	02TB	202B01E	4108	-	-	30,000
-	0902HE0072	09	E1	02TB	202B06E	4108	-	-	127,900
-	0902HE0072	09	E1	02TB	101A17E	4108	-	-	91,300
-	0902HE0072	09	E1	02TB	503B15E	4108	-	-	87,317
-	0902HE0072	09	E1C	02TB	403B07E	4108	-	-	65,000
-	0902HE0072	09	E1	02TB	101A04E	4108	-	-	99,573
									501,090

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$2,459,859
2. Fringe Benefits	\$904,484
3. Travel	\$207,942
4. Equipment	\$82,044
5. Supplies	\$337,054
6. Contractual	\$293,091
7. Construction	\$0
8. Other	\$319,825
9. Total Direct Charges	\$4,604,299
10. Indirect Costs: % Base	\$571,918
11. Total (Share: Recipient <u>90.32</u> % Federal <u>9.68</u> %.)	\$5,176,217
12. Total Approved Assistance Amount	\$501,090
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$501,090
15. Total EPA Amount Awarded To Date	\$2,628,066

Administrative Conditions

The following condition is added:

16. REIMBURSEMENT LIMITATION

EPA's financial obligations to the recipient are limited by the amount of federal funding awarded to date as shown on line 15 in its EPA approved budget. If the recipient incurs costs in anticipation of receiving additional funds from EPA, it does so at its own risk.

The following conditions are revised:

2. FINANCIAL STATUS REPORTS/GRANT CLOSEOUT

A) Interim Financial Status Reports (FSR)

An Interim Financial Status Report (FSR-SF269) is to be submitted to the EPA Grants and Contracts Management Branch 90 days after the anniversary of the project period start date. Interim FSRs should be submitted to:

Roch Baamonde, Chief
Grants and Contracts Management Branch
USEPA Region 2
290 Broadway, 27th Floor
New York, NY 10007

B) Final Financial Status Reports

Pursuant to 40 CFR 31.41(b) and 31.50(b), EPA recipients shall submit a final Financial Status Report – also called the SF269 – to EPA's Las Vegas Finance Center (LVFC), within ninety (90) days after the expiration of the budget period end date. Assistance agreement recipients must also send Federal Cash Transaction Reports (SF-272) annually to the LVFC; the SF-272 is due 15 working days after December 31. Please note that these reports are required by EPA grant regulations (see 40 Code of Federal Regulations §31.41(c)). Completed SF269s and SF272s must be faxed to 702-798-2423 or mailed to the following address: USEPA LVFC, P.O. Box 98515, Las Vegas, NV 89193-8515. The LVFC will make adjustments, as necessary, to obligated funds after reviewing and accepting a final Financial Status Report.

C) Closeout

The Administrative Closeout Phase for this grant will be initiated with the submission of a "final" FSR. At that time, the recipient must submit the following forms/reports to the EPA Region 2 Grants and Contracts Management Branch, if applicable:

- Federally Owned Property Report
- An Inventory of all Property Acquired with federal funds
- Contractor's or Grantee's Invention Disclosure Report (EPA Form 3340-3)

Additionally, the recipient's Final Request for Payment should be submitted to the LVFC.

7. SINGLE AUDITS

In accordance with OMB Circular A-133, which implements the single Audit Act, the recipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine months after the end of a recipient's fiscal year or 30 days

after receiving the report from the auditor, the recipient shall submit a copy of the SF-SAC and a Single Audit Report Package. **For fiscal periods 2002 to 2007 recipients are to submit hardcopy to the following address:**

Federal Audit Clearinghouse
1201 East 10th Street
Jeffersonville, IN 47132

For fiscal periods 2008 and beyond the recipient MUST submit a copy of the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. Complete information on how to accomplish the 2008 and beyond Single Audit Submissions is available on the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>

10. RECYCLING AND WASTE PREVENTION

In accordance with the policies set forth in EPA Order 1000.25 and Executive Order 13423, Strengthening Federal Environmental, Energy and Transportation Management (January 24, 2007) and or 40 CFR 30.16, the recipient agrees to use recycled paper and double sided printing for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration.

All other administrative conditions remain the same.

Programmatic Conditions

All Programmatic terms and conditions to the previous award, Nos. BG99267202-0 through -5, remain the same and re incorporated by reference herein. The following terms and conditions are added:

10. EPA DISCLAIMER

The following disclaimer must accompany all work products disseminated for the Wetlands Program, since they were not developed by EPA and may not represent the views of the Agency:

Although the information in this document has been funded wholly or in part by the United States Environmental Protection Agency under the Wetland Program Development Grant Program to the Saint Regis Mohawk Tribe, it has not gone through the Agency's publications review process and, therefore, may not necessarily reflect the views of the Agency and no official endorsement should be inferred.

11. WETLANDS QUALITY ASSURANCE PROJECT PLAN

Prior to the onset of data collection associated with wetlands work plan elements described in the work plan of this agreement, the recipient will submit a Quality Assurance Project Plan (QAPP) to the EPA Project Officer. Upon initial review for completeness, the EPA Project Officer will forward the QAPP to the EPA Air and Water Quality Assurance Team for final review and approval. Guidance for developing a QAPP in compliance with EPA requirements can be found at http://www.epa.gov/region02/qa/air_h20_qapp04.pdf. No sampling/monitoring activities may be conducted until the QAPP has been reviewed and approved by EPA.

12. WETLANDS FINAL PERFORMANCE REPORT

The recipient agrees to submit two copies of a Final Wetlands Program Performance Report to the EPA Project Officer. The Final Wetlands Performance Report is due within 90 days after the end of the

budget/project period. The wetlands report will include any agreed-upon work-product(s) resulting from the project and the following:

- 1) an abstract or overview of the wetlands project including completed work plan activities;
- 2) comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement wetlands work plan;
- 3) if anticipated wetlands program outputs/outcomes were not met, statement of reasons why;
- 4) other wetlands program pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.
- 5) the methods to be used to effectively disseminate wetlands program project information and/or continue the benefits of this project (although the project itself may not be continuing);
- 6) materials generated in connection with wetlands program project activities (e.g., workshop announcements, newspaper/newsletter announcements, articles or releases, press packets, pamphlets, etc.).

13. COPYRIGHTED SOFTWARE AND WRITTEN MATERIALS

In accordance with 40 CFR 31.34 for State, local and Indian Tribal governments or 40 CFR 30.36 for other recipients, EPA has the right to reproduce, publish, use, and authorize others to use copyrighted works developed under this assistance agreement for Federal purposes. Examples of Federal purpose include but are not limited to: (1) Use by EPA and other Federal employees for official Government purposes; (2) Use by Federal contractors performing specific tasks for the Government; (3) Publication in EPA documents provided the document does not disclose trade secrets (e.g. software codes) and the work is properly attributed to the recipient through citation or otherwise; (4) Reproduction of documents for inclusion in Federal depositories; (5) Use by State, tribal and local governments that carry out delegated Federal environmental programs as "co-regulators" or act as official partners with EPA to carry out a national environmental program within their jurisdiction; (6) Limited use by other grantees to carry out Federal grants provided the use is consistent with the terms of EPA's authorization to the grantee to use the copyrighted material.

14. NPS CWA 319

In accordance with the provisions of the Clean Water Act Section 319(h)(8) and the "Nonpoint Source Program and Grants Guidelines for States and Territories" as published in the *Federal Register*, EPA Region 2 has determined that the SRMT has made satisfactory progress in meeting the schedule of milestones as delineated in their Nonpoint Source Management Program and annual workplan. This determination was based on the review of the Annual Nonpoint Source Reports, status reports on annual workplans and other information provided in regards to the Section 319 Nonpoint Source Program. Award of future nonpoint source management funds is contingent upon the availability of funds and continued satisfactory progress in meeting the schedule of established milestones.